The Citizens LOSS, when the CHARTER of London is Forfeited, or given up.

THese being so great a Murmur, and so much Discourse, That the *Charter* of this City of *London* is to be made Forfeit, or else Surrendred by a *Common Council*, it is fit for every Member of the City to understand, that the meaning or intent of such a Forfeiture or Surrender, is to dissolve the Body Corporate or Politick of the City, to spoil it irrecoverably of all its Antient Government, Laws, Customs and Rights, which have been its Glory throughout *Europe*, near two thousand years, to bring it into the same state with the County Villages, only capable to be Created a new Body Politick, by the Grace and Favour of his Majesty, and so obtain such Priviledges as the Crown can grant, which are infinitely inferiour to the Customs, Franchises, Rights and Government it now holds, by the Laws and Statutes of the Kingdom.

If then there be any danger, either of a Forfeiture or Surrender of this City's *Charter*, every Member of it is concerned, not only in Interest but in Duty, to contribute what assistance he can to preserve and secure it.

For that purpose every Citizen upon taking his Freedom is Sworn

To maintain the Franchises and Customs of the CITY, *and to keep the* CITY *harmless to his Power*;

and whatsoever Citizen shall openly attempt, or privately contrive the destruction of the Corporation, or any of its Franchises, Customs, or Priviledges, betrays the Community, and violates his said OATH, from which no Power on Earth can absolve.

The means at present projected for the forfeiture of the *Charter*, and the utter ruin of this Antient Body Politick, is the prosecution of a *Quo Warranto* against it, assigning thereupon some ACTS of *Common-Council*, made and intended for the Citys well-fare, whereby is pretended a forfeiture of all its Priviledges, Authorities and Wealth, and its very being. As if it were reasonable that a mistake in a *Common-Council* in the exercise of their Authority (if any such be) should bring so great a City, and all its Members no way concerned in such mistake, to suffer such a heavy, dreadful [illegible] of Judgment.

The mischievous and fatal Consequencies of any Dissolution of this Antient Body Politick, are so many, that the wisest and ablest Lawyers cannot number them, nor foresee the evils that may attend it, some of the most visible are these that follow, (*viz.*)

First, Whatsoever the City hath claimed and enjoyed in all Ages by Customs and Prescriptions, and their great Inheritance will be so extinguished, that they can never be again revived by any grant from the Crown, as

Tolls, in their Market and Fairs, for Goods not sold, payable by Freemen or Foreigners.

Wader, Poyage, and all Duties thereby growing.

Wharfage with Power to distrain for the same.

Meetage, Weighage, Scavage, Hallage, &c.

Such Customs like these will be forever Exempt as are belonging to the several Courts in *London*, and are different from the Common Law.

The Jurisdiction of the Ancient Court of Hustings will be lost in many things of great consequence (*viz.*)

In holding Pleas of Land.

In all real Actions whatsoever.

In Correcting Errors in the Sheriffs Courts.

In passing Lands by Recoveries.

Bargains and Sales Inrolled, which have the force of Fines to Bar *Feme Coverts*, Inrolments of last Wills and Teſtaments, granting Replevins, *&c.*

The Court of the Lord Mayor and Aldermen.

The whole Court of Orphans, and their Power and Juriſdictions about their Eſtates and Marriages, and all Authorities relating to Orphans, and their Protection and Puniſhing by Fines and Impriſonments, all Offenders, *&c.*

The Proviſion of Widdows and Orphans, by the Cuſtoms of which they are Judges.

Their Juriſdiction over all Companies, Fellowſhips, and Brotherhoods, to make them all conſiſtent each with other, and uſeful to the whole Body.

In the Mayors Court.

The whole Court of Equity and its Juriſdiction in all matters whatſoever, whereby ſuch a multitude of meaner Traders are ſpeedily relieved, with ſmall Expences.

All their Cuſtomary proceedings to Arreſt without Warrants.

To Arreſt upon Plaints entred for Debts without Summons.

All Attachments for ſpeedy Recovery of Debts.

Actions upon *Conceſſit ſolvere*, without proving any conſideration.

The Plea *Cognovit ſcriptum ſed Petit quod inquiratur de Debito*, and thereupon the Jury to find upon a Bond the juſt Debt and Intereſt, and no more, whereby the People enjoy the benefit of Law and Equity by the Jury at once.

The Cuſtom which prevents Wager of Law, return of Juries by Inqueſts of the Ward.

Reading Affidavits of Perſons abſent, as Evidence, which in a Trading City, is of great uſe.

Levetur, and all other Cuſtomary Proceedings.

All proceedings for Diſcharge or Relief of Apprentices, for immoderate Chaſtiſement, and not Inrolling.

Puniſhments of Offenders for breach of all By-Laws, by Actions or Informations.

Diſfranchiſements by Informations.

Informations for aſcertaining the bounds of Wards, and many other cuſtomary proceedings there.

The Sheriffs Court.

The like Juriſdiction as in the Lord Mayors Court, as to Pleas, Arreſts, Attachments, and many other proceedings, for ſpeedy and eaſy Juſtice within the City, which hath advanced the Trade, Wealth and Growth of the ſame.

The Wardmote Courts and their Juriſdictions.

The Court of the Chamberlain, for making Freemen, binding Apprentices, Correcting their Offences, Turning them over, with many other uſeful Powers thereunto belonging.

The Court of Conſervancy of the River of *Thames* and the Waters of *Medway*, hath many Antient Priviledges and Juriſdiction.

The Court of Conſcience, becauſe to be held before Commoners, to be appointed by the preſent cuſtomary Court of Aldermens: and

The Court of Pollicies of Inſurance, though not held by cuſtom, becauſe the Commiſſioners thereof cannot act till Sworn, before the now cuſtomary Court of Aldermen, by 34. *Eliz. Cap.* 12.

There are alſo many Priviledges, Exemptions and Immunities, belonging to the Perſons or Eſtates of Freemen, by the Cuſtom of *London*, not enjoyed by Grant, nor to be reſtored by Charter.

That none but Freemen ſhall exerciſe any Trade in *London*, or keep any Shop to buy and ſell.

This Priviledge may beckoned the general Eſtate of the Citizens, upon which they greatly depend; it is the fruit of their Freedoms, which they ob-

obtain by their Mony, or their Service, or their Fathers Coppies.

'Tis this Cuſtom that Reſtrains all that are not Free of the City from having Shops and Trading there, puts a value upon every Citizen, advances them in their Marriages, and induces many to give good Sums of Money with their Sons to be Apprentices, and the rather becauſe many other Priviledges are by Cuſtom annexed to the Freedom, as

That a Freeman of *London* may uſe his Trade in any other part of *England*.

That a Freeman bound to one Trade, may ſet up any other & uſe the ſame.

The Cuſtom of *Feme ſole Merchants*, whereby the Induſtry of the Wife may provide for the whole Family, and with all ſo uſeful to ſupport poor Widows and Orphans.

Every Shop in *London* is a Market Overt for the Trade of the Owner.

Creditors may Arreſt before Day of Payment for better Security.

Citizens may deviſe in *Mortmain*.

Debts on ſimple Contracts amongſt Citizens are equal to Obligations under Hand and Seal.

The Cuſtom of an Infant being bound by his Covenants of Aprenticeſhip.

The Perſons of Freemen are Exempted from all Tolls in any place in *England*.

From moſt Duties in *London*, which Forreigners are ſubject to, from ſerving on Juries out of *London*.

To be diſcharged of Wharfage, and many other Priviledges, all which muſt be loſt for ever, though a new Charter ſhould be obtained.

There are alſo other general Priviledges depend upon the Cuſtom, not reſtorable by Charter; as, That

The Cuſtomes of this City ſhall be tryed in the Courts at *Weſtminſter*, by Certificate of the Mayor and Aldermen, made by the Mouth of the Recorder.

Cuſtom to puniſh Whores by the Civil Magiſtrate.

The Forfeitures to the City of Goods Forreign bought and Forreign ſold.

The Cuſtomary Powers of the Common-Hall.

Entring into a Houſe upon ſuſpicion of Bawdry.

To call a Woman Whore, Actionable.

The Offices of Chamberlain, Common Serjeant, and Common Cryer, as to the principal part of their Offices relating to the Orphans.

2ly. All the Authorities, Liberties, Immunities and Powers veſted in the preſent Corporation, and their Succeſſors, by ſeveral Acts of Parliament, are not transferrable to, or upon another Corporation, but by the ſame Authority, and will all be loſt. Some of which follows: As,

37. *Hen.* 8. 12. Gives the Mayor of this old and preſent Corporation of the City, Power to Determine Controverſies of Tithes.

3. *Jacob.* 15. Lord Mayor and Aldermen are to appoint two Aldermen and twelve Commoners to be Commiſſioners for a Court of Conſcience, for recovering of ſmall Debts, as is before mentioned.

3. *Jacob.* 18. The Mayor, Commonalty and Citizens, and their Succeſſors, ſhall make, have and maintain, a new Cut or Stream of Water, from *Chadwel*, *Amwel*, &c. to *London*.

22. 23. 25. *Car.* 2. The ſeveral Acts for Rebuilding of *London*, ſo much thereof not yet executed, as relates to the Mayor. *&c.* (*viz.*) Lord Mayor and Aldermen to determine Appeals concerning Maintainance-Money, Aſſeſſed in lieu of Tithes.

Power to value and ſell unbuilt Grounds, to determine Controverſies about Lights, Ways and Party-Walls, to give ſatisfaction to Owners.

43. *Eliz.* 12. The Court of the Pollicies of Aſſurance, for the Reaſons before-mentioned.

But above all, there can be no Revival of that Solemn Confirmation of all the Liberties, Franchiſes, Free Cuſtoms, and Priviledges of the City of *London*,

don, by MAGNA CHARTA, which have been since renewed and confirmed thirty times in Parliament, many of which were accompanied with the the Invocation of Vengance upon the Infringers, of the same, and their Posterity.

3dly. Many Privileges held by Ancient *Charter*, of former Kings, if Lost or Surrendred, can never be restored by any new *Charter* from the Crown.

The Citizens by ancient *Charter*, are exempted from the Duty to the Crown of *Prisage* of Wines, but if the Corporation be dissolved, every Citizen is Dis-franchised, and thereby made lyable to pay it; and the like exemption cannot be regranted by the King, at least till the determination of a long Lease of the same duty in being, because his former grant will prevent it during the Term.

In like manner the Citizens of *London* are very anciently exempted from Tolls throughout *England*, but if the Corporation be dissolved, the Crown is barred from regranting the like by many Grants of the Tolls to others, from which no new exemption can be given.

Let such as read this small Collection consider, that the ancient and excellent Composition of Customs, Laws and Liberties in this City, made by the Wisdom, and approved by the Experience of so many Ages, confirmed by 23 Kings and 33 Parliments, must for ever be broken to pieces, with the loss of its *Charter*.

And let them think, whether it be possible for any Man, or number of Men to forelee the Distraction, Dis-orders, and Mischiefs, that may be the Event of such a fatal stroak, to so great a Body Politick?

The Children unborn may groan under such Consequences of it, as are not now intended, nor can be imagined; who can tell when the Cryes of the Widdows and Orphans will cease? the supposed Provision made for Citizens Wives and Children is void and null, if the Corporation be dissolved.

No new *Charter* can give them any Right to their Customary Shares and Divisions of their Husbands and Fathers Estates, so much depended upon in Marriages.

The deluded Fathers must be vexed with new Cares, who have given great Portions with their Daughters to Citizens, upon consideration only of the City Customs, without taking Joyntures for them, or Prospect of any other Dower.

How great will be the Distraction and Confusion in and about the Courts of Justice, notwithstanding any Provision which can be made by any new *Charter* for other Courts.

All Causes and Actions depending in the present Courts, and the proceedings therein must cease, as if they had never been; and all Judgments obtained not executed, will be void and null, and no Citizen will know where, or how to seek his former wanted Relief, either in Law or Equity.

All the Offices belonging to the City Courts of Justice must perish with the Courts; and all the Officers belonging to them, who have obtained their places by purchase, or otherwise, must seek out new ways for Themselves and Families.

The same sad Fate will attend all the Officers whose Offices depend upon the Government of the City, or its Magistrates, or its Revenue, and if any of them should hope by Grace and Favour to obtain some new Office under a new *Charter*, they can never claim their old Customary Fees.

The present Orphans to whom the City owes their Portions must be turned to begging or starving, or to live upon the future Charity of a new Corporation, when the Body Politick of the City shall be Dissolved, no Creditor can Implead it for any Debt, neither can any of its Debtors be Impleaded.

The Death of a Corporation reduceth it to nothing, and will then be as if it had never been in respect of Debts or Credits, there can be no Successor, Heir, or Executor to demand or answer for the Body that was.

Therefore all the Goods and Chattels of the City must fall to the King, to be given and disposed of, as he pleaseth.

And all its Lands and real Estate in the *Exchange*, *Guild-Hall*, &c. must of right revert unto the Heirs of the Donors if there be any, or Escheat to the Crown, for want of such Heirs.

But the Face of Confusion is so full of Horror, that will appear, after the Dissolution of this mighty Body by Forfeiture or Surrender of its *Charter*, that I tremble to look upon it a far off.

The Lord *Cook* says, It would require a Volumn of it self, to Treat of the great and notable Franchises, Liberties and Customs of this City, and no less a Volumn would be necessary to discribe the Disorders, Losses, Distractions, Miseries and Confusions, that must attend the Destruction and the Death of so great a Body Politick.

And the City of *London* by this means, which is now one of the Antientest City's in the whole World, will at the time of such Surrender be the youngest City and Corporation in *England*.

Entered according to Order.

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